IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 8TH MAY 2007 / 18TH VAISAKHA 1929

Crl.MC.No. 1469 of 2007()

CC.137/2003 of the J.F.C.M. court, Kothamangalam

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PETITIONER:

E.N.SUKUMARAN, ERAMBATH HOUSE,
KOTTAPPADY, KOTHAMANGALAM.

BY ADV. SRI.MANOJ P.KUNJACHAN

RESPONDENTS:

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1. K.S.PAULOSE, KOTTALIL HOUSE,
KOTTAPPADY, KOTHAMANGALAM.

2. STATE OF KERALA, REP. BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SRI.DILIP MOHAN
BY PUBLIC PROSECUTOR SRI. M.S. BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 08/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Crl. M.C. NO. 1469 of 2007

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Dated: 8th May 2007

ORDER

Notice to the first respondent is dispensed with.

2. As per the sentence modified by this Court in Crl. R.P. 598 of 2006 the petitioner who was convicted for the offence punishable under Section 138 of the N.I. Act was given four months time for payment of the compensation amount of Rs. 2,00,000/- with a reduced default sentence of three months. The time for payment of compensation expired on 16-2-2006. The petitioner admittedly paid the compensation amount only on 25-4-2007 i.e. after one year and two months. Hence, by the force of this Court's order he was bound to undergo the default sentence for the defaulted payment. Hence, J.F.C.M., Kothamangalam is perfectly justified in enforcing the default sentence in C.C. 137 of 2003. However, since although belatedly the petitioner has paid the compensation amount to the first respondent/complainant, I am inclined to absolve the petitioner from the default sentence, in case, he pays a further amount of Rs. 5,000/- to the first respondent/complainant within

one month from today. Accordingly, if the petitioner pays Rs. 5,000/- to the first respondent/complainant within one month from today the default sentence imposed on the petitioner shall not be implemented. Within one week of compliance of this order the petitioner shall surrender before the trial court for receiving the sentence of imprisonment till the rising of the court.

This Crl.M.C. is disposed of as above.

V. RAMKUMAR,
(JUDGE)

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